



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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GOVERNOR
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COMMISSIONERS
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WILLIAM H. MCLEAN, GOLD CANYON
BOB HERNBRODE, TUCSON
JENNIFER L. MARTIN, PHOENIX
ROBERT R. WOODHOUSE, ROLL
DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL



December 31, 2007

A public meeting of the Arizona Game and Fish Commission will be held on January 18-19, 2008, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

Friday, January 18, 2008, Arizona Game and Fish Commission at the Arizona Game and Fish Department 5000 W. Carefree Highway, Phoenix, Arizona 85086.

Meeting begins at 8:00 a.m.

Awards and Commissioning of Officers.

- 1. Presenter: Anthony Guiles, Legislative Liaison. State and Federal Legislation.** The Commission will be briefed on the status of State and Federal legislation. The Commission may vote to take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
- 2. Presenter: Ty Gray, Assistant Director, Information and Education Division. Information and Education Activities Briefing.** The Commission will be given an update of Department activities and events related to Information and Education Programs. The update covers activities and events that have occurred since the December 2007 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 3. Presenter: Jay Cook, Education Branch Chief, Information and Education Division. Statewide Shooting Range Briefing.** The Commission will be given an update of Department activities related to shooting range support and development statewide. The update covers activities that have occurred since the December 2007 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 4. Presenter: Josh Avey, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other matters related thereto. The update addresses decisions or activities since the December 2007 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 5. Consent Agenda** – The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public

discussion. The Commission will be asked to vote to approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Commission members may remove certain items if further public input or discussion is deemed necessary.

- a. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval to Renew a Ten-Year Utility Permit Across the Commission-owned Robbins Butte Wildlife Area in Maricopa County, Arizona to Qwest Communications Corporation for the Purpose of Maintaining and Operating Underground Telecommunications Fiber Optic Cables.** The Commission will be asked to vote to approve renewal of a ten-year utility permit across the Commission-owned Robbins Butte Wildlife Area in Maricopa County, Arizona to Qwest Communications Corporation for the purpose of maintaining and operating underground telecommunications fiber optic cables.
 - b. **Presenter: Mark Weise, Development Branch Chief. Renewal of a Road Closure on State Trust Land South of Winslow Arizona.** The Department will be asking the Commission to vote to approve a request by Jim O'Haco to renew a seasonal, limited road closure on State Trust Land located approximately twenty-five miles south of Winslow, Arizona.
 - c. **Presenter: Mark Weise, Development Branch Chief. Renewal of a Road Closure on State Trust Land West of Chino Valley Arizona.** The Department will be asking the commission to vote to approve a request by Stephen Pierce to renew a road closure on State Trust Land located approximately ten miles west of Chino Valley, Arizona.
 - d. **Presenter: Ron Sieg, Flagstaff Regional Supervisor. Consideration of the 12A Habitat Stamp Fund Budget for Calendar Year 2008.** The Commission will vote on the 12A Habitat Stamp Fund Budget for Calendar Year 2008 for spending funds generated under the Cooperative Agreement between the Kaibab National Forest and the Department.
6. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
7. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval for the Department to Acquire Phase III of Coal Mine Canyon in Santa Cruz County, Arizona, and Approve a Grazing Agreement for the Property.** The Commission will be asked to vote to approve the acquisition of Phase III of Coal Mine Canyon in Santa Cruz County for recovery of the Endangered Gila Topminnow and to prepare and execute a Purchase Agreement with the Trust for Public Land and approve a grazing agreement.
8. **Presenter: Jennifer N. Stewart, Rules and Risk Manager. Request to Approve the Draft Notice of Exempt Rulemaking to Amend Rules in Article 8, Wildlife Areas and**

Department Property. The Commission will be asked to approve the Draft Notice of Exempt Rulemaking to amend rules in Article 8, Wildlife Areas and Department Property.

- 9. Presenter: Ron Sieg, Flagstaff Regional Supervisor. Update on history and options from coordinated attempts at seeking resolution of issue of bison on Grand Canyon National Park.** The Commission will be provided with a brief history of the coordinated attempts between Grand Canyon National Park, the Kaibab National Forest and the Department to resolve the issue of bison moving onto the park and some options considered to date. The Commission may vote to provide direction to the Department on this issue.
- 10. Presenter: Ron Sieg, Flagstaff Regional Supervisor. Presentation and discussion regarding issues associated with lead from spent ammunition, current Department programs and ideas regarding any future program.** The Commission will be provided with a presentation on issues associated with lead from spent ammunition, updated on current Department sport harvest programs and offered some ideas regarding any future program. The Commission may vote to provide direction to the Department on this issue.
- 11. Presenter: Ron Sieg, Flagstaff Regional Supervisor. Petition to have the Department return of an elk skull seized under the authority of Law Enforcement Directive 1011, Pick Up and Possession of Wildlife Parts.** The Commission will be asked to vote to deny the petition returning the elk skull seized from Mr. Henry.
- 12. Presenter: Eric Gardner, Nongame Branch Chief. Presentation to the Commission on Coordination with the State Mine Inspector.** The Department will present an informational briefing on coordination efforts with the State Mine Inspector's Office regarding the closure of abandoned mines. The Commission may vote to take action on, or provide the Department direction on, items covered in the presentation.
- 13. Presenter: Eric Gardner, Nongame Branch Chief. Nongame Subprogram Activities Briefing; April 1 through December 10, 2007.** The Commission will be briefed regarding activities under the Nongame Subprogram; April 1 through December 10, 2007. The Commission may vote to take action on, or provide the Department direction on, items covered in the presentation.
- 14. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

Lunch Break (Begins at 12:00 p.m.)

The Afternoon Executive Session begins immediately following the lunch break.

15. Executive Session

- a. Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of

discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position *In re General Stream Adjudication for the Little Colorado River and Gila River; State of Arizona v. George H. Johnson*, CV2005-002692; *Wilderness Watch vs. U.S. Fish and Wildlife Service* CV-07-1185; *Pruett v. Shroufe*, 2:07-cv-01744-NVW.

- b. **Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel regarding the Commission's position on potential litigation regarding the use of temporary employment services at the Ben Avery Shooting Facility.
- c. **Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(7) to discuss and consult with its representatives concerning negotiations with the United States Forest Service for a land exchange to acquire a site for a shooting range facility in Northern Arizona.
- d. **Legal Counsel.** The Commission may vote to meet in executive session in accordance with A.R.S. 38-431.03(A) (1) and (A) (3) for the purpose of receiving legal advice from counsel regarding the process for hiring a new agency director and discussing the terms of Director Shroufe's current contract.
- e. **Personnel Matters.** The Commission may vote to go into Executive Session to discuss personnel matters, including the Director's goals and objectives pursuant to A.R.S. § 38-431.01 (A) (1). The Commission may decide this matter in the public meeting or defer a decision to a later date.

16. Presenter: Josh Avey, Habitat Branch Chief. The Commission will be Briefed on Potential Options for Disposal of the Department's Deer Valley South (DVS) Property, Phoenix, Arizona. The Commission will be asked to vote to retain DVS headquarters for administrative and warehouse purposes until which time that alternative replacement facilities can be obtained, or monetary compensation is offered to the Commission commensurate to their interest in DVS.

17. Presenter: Harry Seck, Assistant Director, Special Services Division. Request by Mr. Willis Arnold for a hearing to have the Department modify the computer program for big game permit drawings. Mr. Willis Arnold is requesting a hearing in accordance with rule R12-4-611 before the Arizona Game and Fish Commission to have the computer program for drawings modified to avoid the current program issues which can lead to a person not drawn for their first choice and given his/her second choice when there are left over tags in his first choice.

18. Presenter: Duane L. Shroufe, Director. Change to Commission Policy A2.5, Law Enforcement Commissions and Participation in the Public Safety Personnel Retirement System. The Commission will be asked to vote to approve a change to Commission Policy A2.5, Law Enforcement Commissions and Participation in the Public Safety Personnel Retirement System (PSPRS) to allow Department Management Team members enrolled in the PSPRS to continue participation without being regularly assigned to hazardous duty.

19. Presenter: Pat Barber, Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 2:00 p.m. The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Conviction</u>
Johnson, Terry M.	Count B: Take big game without a valid license (elk).
Wray, Matthew B.	Count A: Possession of unlawfully taken wildlife (elk).
Wray, William J.	Count A: Possession of unlawfully taken wildlife (elk).
Morrill, Cyrus W.	Count A: Possession/transportation of unlawfully taken wildlife (elk).
Sears, Bradley J.	Count A: Take wildlife without tag/permit (bear).
Burton, William B.	Count A: Take big game without a valid tag (White-tailed deer buck). Count C: Use tag of another (White-tailed deer buck).
Burton, Kaci	Count A: Allow another person to use big game tag (White-tailed deer buck).
Fugate, Rickey G.	Failure to comply with terms of a citation for the wildlife violation(s) of (i.e Game tag-buy/possess wrong class/type license, tag permit; Game tag-buy/possess wrong class/type license, tag permit) as per the terms of the Wildlife Violator Compact with the State of Idaho.

20. Presenter: Duane Shroufe, Director. Director's Goals and Objectives – 2008. The Commission will discuss and may vote to approve a list of goals and objectives for the Director to achieve during 2008.

21. Litigation Report. The Department's legal counsel may report on the status of the litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River; State of Arizona v. George H. Johnson*, CV2005-002692; *Wilderness Watch vs. U.S. Fish; Wildlife Service CV-07-1185*; and *Pruett vs. Shroufe*. The Commission may vote to take action on any case.

22. Call to the Public. Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the

Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

23. Presenter: Duane Shroufe, Director. Election of Positions and Appointments to Standing Committees. The Commission will vote to elect a Commission Chair and Vice-Chair for 2008. The incoming Commission Chair will then appoint individual Commissioners to Chair the following standing committees through January 2009: Heritage Public Advisory Committee, Habitat Partnership Committee, Landowner-Lessee/Sportsman's Relations Committee, and Wildlife Assets Committee. The Commission may also consider and vote to approve additional Commission Committee/s as well as those listed.

24. Director's and Chairman's Reports. The Director and the Chairman will report on Department and Commission activities since the last meeting. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

25. Commissioners' Reports. The Commissioners will report on their activities since the last meeting related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

26. Approval of Minutes and Signing of Minutes. The Commission will be asked to approve the minutes for December 7-8, 2007 and if approved the signing of the minutes for December 7-8, 2007.

27. Future Agenda Items.

Saturday, January 19, 2008, Arizona Game and Fish Commission at the Crowne Plaza Hotel, 2532 W. Peoria Avenue, Phoenix AZ 85029.

Meeting begins at 1:30 p.m.

The Commission will meet with its constituents to discuss items of interest. The following approximate agenda will be followed. No official action will be taken.

1:30 p.m. Chairman's Welcome & Commission Introductions

Director's Presentation

2007 Year in Review Video Presentation

Open Discussion – Questions & Answers

5:30 p.m. Social Hour

6:30 p.m. Dinner

Chairman's Welcome

Awards Presentations

9:00 p.m. ADJOURN

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The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 5000 W. Carefree Highway, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

During the public meeting, the Commission may afford any person, their duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

One or more members of the Commission may appear and participate in the meeting telephonically or by other electronic means.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 5000 W. Carefree Highway, Phoenix, Arizona 85086, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

"Managing Today for Wildlife Tomorrow"

A handwritten signature in black ink, appearing to read "Duane L. Shroufe". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Duane L. Shroufe
Director